IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

Bail Appl..No. 6663 of 2007()

CMP.8821/2007 of J.M.F.C.-II,NEYYATTINKARA
[CRIME NO.398/2007 OF PARASSALA POLICE STATION]

.....

PETITIONER/5TH ACCUSED:

JOHNY, S/O.JOHNY, ASWATHY BHAVAN,
KUZHICHANNI, KEEZHKOLLA, CHENKAL VILLAGE.

BY ADV. SRI.BLAZE K.JOSE

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, REPRESENTING
SUB INSPECTOR OF POLICE, PARASSALA POLICE
STATION.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6663 of 2007

Dated this the 5th day of November, 2007

ORDER

Application for regular bail. The petitioner is the 5th accused. He along with co-accused faces allegations under the Kerala Abkari Act. The activity of distillation was going on allegedly for and on behalf of and at the instance of the petitioner herein. When the police party reached the scene, 4 accused persons were allegedly engaged in the act of distillation. 15 litres of arrack and 600 litres of wash were seized. 3 accused persons (accused 1 to 3) were arrested. The 4th person ran away from the scene. There is no case for the police that the petitioner is the one who ran away. The activity was allegedly going on at the instance of the petitioner. Those arrested at the scene of crime on 1.9.07 have now been enlarged on bail by this Court as per order dated 08.10.07. The petitioner was arrested on 30.09.07. His arrest in this crime was recorded on 9.10.07. He continues in custody from that date. The learned Public Prosecutor submits that the petitioner has one other crime (the one in which he was arrested on 30.09.07) also to his credit under the Kerala Abkari Act.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer on condition that

the investigator is given reasonable time to complete the investigation and I am satisfied that the petitioner can now be directed to be released on bail subject to appropriate terms and conditions.

3. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall not be released on the strength of this order prior to 15.11.2007. The Investigators shall in the meantime make every endeavour to complete the investigation;

ii) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One Lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

iii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of 2 months from the date of his release and thereafter as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

rtr/-